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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/780,240	02/09/2001	Wen-Chih Chen	3158/01264	8140
24504	7590	12/29/2005		
THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP 100 GALLERIA PARKWAY, NW STE 1750 ATLANTA, GA 30339-5948			EXAMINER COLBERT, ELLA	
			ART UNIT	PAPER NUMBER
			3624	

DATE MAILED: 12/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/780,240

Applicant(s)

CHEN ET AL.

Examiner

Ella Colbert

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) 9-14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-8 are pending. Group II, Claims 9-14 have been cancelled without traverse in response to the Election/Restriction Requirement filed 10/13/05 entered as Response to Election/Restriction. Group I, claims 1-8 will be examined on the merits.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The metes and bounds of claim 1 cannot be determined. It is unclear what Applicant is trying to claim in the second claim limitation.

Specification

4. The Specification is objected to because on page 6, line 15 recites "(step 106)" and the drawing figure 2 labels this element as "S106"; page 7, lines 1 and 2 have a similar problem. Element "S116" is not mentioned or described in the Specification. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US 6,311,144) Abu El Ata in view of Foust, Dean, hereafter Foust.

Claim 1. Abu El Ata teaches, An Artificial intellectual stock ordering system suited to deal with a stock ordering process, comprising: an input unit for inputting transaction conditions (col. 3, line 64-col. 4, line 38). Abu El Ata failed to teach, an ordering computer coupled with the input unit, said ordering computer receiving the transaction conditions, and receiving, analyzing and classifying news documents, assigning a grade to each news document, and outputting stock ordering information for ordering a stock purchase or sale, while the transaction conditions are matched and the grade is larger than a high value, or while the transaction conditions are matched and the grade is smaller than a low value; an electronic news computer connected to the ordering computer through a first network suited to provide the news document; and a security company computer connected to the ordering computer through a second network suited to receive the stock ordering information to buy or sell a stock. Foust teaches, an ordering computer coupled with the input unit, said ordering computer receiving the transaction conditions, and receiving, analyzing and classifying news documents, assigning a grade to each news document, and outputting stock ordering information for ordering a stock purchase or sale, while the transaction conditions are matched and the grade is larger than a high value, or while the transaction conditions are matched and the grade is smaller than a low value (page 2, paragraphs 9 and 11); an electronic news computer connected to the ordering computer through a first network suited to provide the news document (page 2, paragraph 2); and a security company

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computer connected to the ordering computer through a second network suited to receive the stock ordering information to buy or sell a stock (page 1, paragraph 7). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have an ordering computer coupled with the input unit, said ordering computer receiving the transaction conditions, and receiving, analyzing and classifying news documents, assigning a grade to each news document, and outputting stock ordering information for ordering a stock purchase or sale, while the transaction conditions are matched and the grade is larger than a high value, or while the transaction conditions are matched and the grade is smaller than a low value; an electronic news computer connected to the ordering computer through a first network suited to provide the news document; and a security company computer connected to the ordering computer through a second network suited to receive the stock ordering information to buy or sell a stock and to modify in Abu El Ata because such a modification would allow Abu El Ata to follow a company using a 1 to 5 scale and to note any changes in the average.

Claim 2. Abu El Ata teaches, The system as claimed in claim 1. wherein the input unit comprises a keyboard (col. 3, line 67).

Claim 3. Abu El Ata teaches, The system as claimed in claim 1, wherein the input unit comprises a mouse (col. 3, line 67).

Claim 4. Abu El Ata and Foust failed to teach, The system as claimed in claim 1, wherein the transaction conditions comprise a glossy index, but it would have been obvious to one having ordinary skill in the art at the time the invention was made to

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have the transaction conditions comprise a glossy index and to modify in Abu El Ata because such a modification would allow Abu El Ata to obtain information by using the index as a lookup tool for a specific stock.

Claim 5. Abu El Ata and Foust failed to teach, The system as claimed in claim 1, wherein the transaction conditions comprise an individual index, but it would have been obvious to one having ordinary skill in the art at the time the invention was made to hve the transactions conditions comprise an individual index and to modify in Abu El Ata because such a modification would allow Abu El Ata to have the capability to know how his chosen stock is rated and information on the stock listed in alphabetical order.

Claim 6. Abu El Ata and Foust failed to teach, The system as claimed in claim 1, where the transaction conditions comprise an associated index, but it would have been obvious to one having ordinary skill in the art at the time the invention was mad to have the transaction conditions comprise an associated index and to modify in Abu El Ata because such a modification would allow Abu El Ata to have a second index to compare the with the information in the second index or to use as a second reference.

Claim 7. Abu El Ata and Foust failed to teach, The system as claimed in claim 1, wherein the ordering computer comprises a network server, but it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the ordering computer comprise a network server and to modify in Abu El Ata in view of his teaching of a Network, a local area network (LAN), a wide area network (WAN) and a global computer network and because such a modification would allow Abu El Ata to provide services to another computer on the network.

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Claim 8. Abu El Ata teaches, The system as claimed in claim 1, wherein the first network and the second network consist of the Internet, LAN and WAN (col. 3, lines 56-63 and col. 4, lines 32-38).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Campbell, Mary V. disclosed a trading simulator and a market profile study.

Campbell, Mary V. disclosed artificial intelligence and trading systems.

Inquiries

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 571-272-6741. The examiner can normally be reached on Tuesday-Thursday, 6:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 571-272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'E. Colbert', is positioned above the printed name.

E. Colbert
Primary Examiner
December 17, 2005